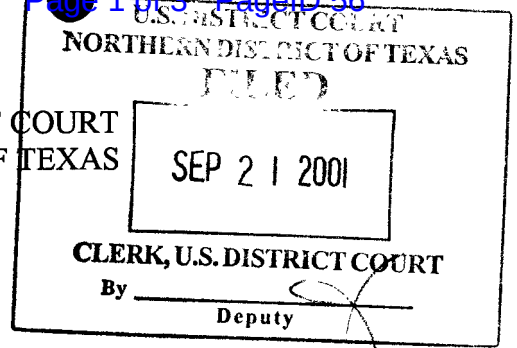


ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



JAMAL ELHAJ-CHEHADE,  
Plaintiff,

v.

EDUCATIONAL COMMISSION FOR  
FOREIGN MEDICAL GRADUATES,  
Defendant.

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CIVIL ACTION NO.

3:01-CV-1301-L

**DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION  
TO EXTRICATE THE NON-FEDERAL CHARGES**

Educational Commission for Foreign Medical Graduates ("ECFMG"), Defendant respectfully submits this response to Plaintiff's Motion to Extricate the Non-Federal Charges ("Motion"), and support thereof, states as follows:

1. Chehade's Motion is very unclear as to the relief sought. To the best of its ability, ECFMG believes that Chehade is requesting two forms of relief; (1) dismissal of his state law claims; and (2) a settlement conference before this Court.

2. Defendant contends that state law claims asserted by Chehade in his Complaint are as follows; (1) "fraud;" (2) "corruption;" (3) "illegal seizure and retention of the Plaintiff's property;" (4) denial access to use and contract;" (5) "emotional distress and alienation;" (6) "public nuisance;" and (7) "interference with the Plaintiff right to work." *Exhibit A.*

3. Defendant has no objection, and indeed no basis to object, to Chehade voluntarily dismissing his state law claims.

4. Defendant contends that upon dismissal of the state law claims, the only remaining claims against ECFMG will be Chehade's challenge to the tax status of ECFMG and double jeopardy. *Exhibit A.*

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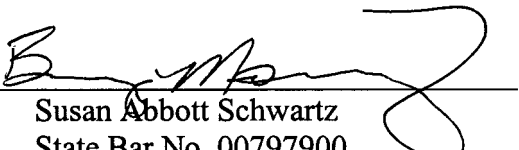
5. Defendant requests that this Court enter an Order dismissing Chehade's state law claims, listed in Paragraph 2 of this Response, as requested by Chehade.

6. Further, Defendant has no objection to appearing before this Court for a settlement conference. Although the settlement plan described in Chehade's Motion is vague and ambiguous, Defendant is willing to appear before this Court to discuss the potential settlement of this case.

7. Defendant requests that this Court not order the parties to mediation to discuss settlement, as Defendant is confident that a mediation would only serve as a waste of time and money for all parties.

WHEREFORE, premises considered, Educational Commission for Foreign Medical Graduates requests that this Honorable Court dismiss Chehade's state law claims, as requested by Chehade, and to order the parties to appear before the Court for a settlement conference and for such other and further relief to which ECFMG may show itself to be justly entitled.

Respectfully submitted,

By:   
Susan Abbott Schwartz  
State Bar No. 00797900  
Barry A. Moscowitz  
State Bar No. 24004830

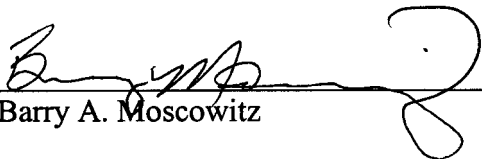
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ATTORNEYS FOR DEFENDANT  
EDUCATIONAL COMMISSION FOR  
FOREIGN MEDICAL GRADUATES

**CERTIFICATE OF SERVICE**

The undersigned certifies that on this 20<sup>th</sup> day of September, 2001, a true and correct copy of the above and foregoing document was served upon the following party appearing *in forma pauperis* of record via certified mail, return receipt requested:

Jamal Elhaj-Cehade  
5414 Cedar Springs, #806  
Dallas, Texas 75235

  
Barry A. Moscowitz